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J1048 U.S. PTO
07/31/01

UTILITY PATENT APPLICATION TRANSMITTAL

<i>Address to:</i> Box PATENT APPLICATION Commissioner for Patents United States Patent & Trademark Office Washington, D.C. 20231	<i>Attorney Docket No.</i>	CLWR 0108 PUS JC973 09
	<i>Inventor(s) or Appln. Identifier</i>	David C. Chauncey, James R. Doane, and Christopher P. Hoen

JC973 U.S. PRO
09/919120
07/31/01

1. This application entitled **HYBRID SPREAD SPECTRUM METHOD AND SYSTEM FOR WIRELESSLY TRANSMITTING AND RECEIVING WIDEBAND DIGITAL DATA** is:

 - a. A new application under 37 C.F.R. § 1.53(b).
 - b. A continuation divisional or continuation-in-part application under 37 C.F.R. § 1.53(b) of prior application Serial No.09/136,247 filed on August 19, 1998, entitled **HYBRID SPREAD SPECTRUM METHOD AND SYSTEM FOR WIRELESSLY TRANSMITTING AND RECEIVING WIDEBAND DIGITAL DATA**.
 - c. A new utility application which claims the benefit of provisional application Serial No. , filed on .

Application elements and other attached papers:

2. Specification (including Claims and Abstract) [Total Pages 28]

3. Drawings (informal / formal) [Total Sheets 11]

4. Oath or Declaration

a. Newly-executed

b. Copy from a prior application (37 C.F.R. § 1.63(d))

5. Incorporation By Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Item 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).

a. **DELETE** the following inventor(s) named in the prior nonprovisional application:

b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this **UTILITY PATENT APPLICATION TRANSMITTAL** and the documents referred to as attached therein are being deposited on the below date with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: Box Patent Application, Commissioner for Patents, United States Patent and Trademark Office, Washington, D.C. 20231 on:

Express
Mail Label No. EL 837260527 US

Judy Noble
(Type or print name of person mailing paper)

(Signature of person mailing paper)

Date of Deposit: July 31, 2001

7. Preliminary Amendment:

- a. A Preliminary Amendment is attached.
- b. Cancel in this application original claims 1-7 of the prior application before calculating the filing fee.
- c. Please amend the specification by inserting before the first line the following sentence:

"This is a _____ continuation divisional of copending application(s) serial number 09/136,247 filed on August 19, 1998."

- d. A Petition to Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently) is attached.

8. Small entity status:

- a. Applicant claims small entity status.
- b. Small entity status was claimed in the prior nonprovisional application and such status is still proper and desired.
- c. Is no longer desired.

9. Fee Calculation:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c))	1 -20 =	0	x 18.00	0
INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b))	1 -3 =	0	x 80.00	0
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. §1.16(d))			270.00	0
BASIC FEE (37 C.F.R. § 1.16(a))				710.00
TOTAL OF ABOVE CALCULATIONS				710.00
REDUCTION BY 50% FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. §§ 1.9, 1.27, 1.28)				
\$40.00 ASSIGNMENT RECORDAL FEE (if applicable)				0
TOTAL				\$710.00

- 10. A check in the amount of \$710.00 is enclosed.

- 11. The Commissioner is hereby authorized to credit overpayments or charge the following fees (or any deficiency therein) to Deposit Account No. 02-3978:

 - a. Fees required under 37 C.F.R. § 1.16.
 - b. Fees required under 37 C.F.R. § 1.17.

12. Maintenance of Copendency of Prior Application

- A request for extension of time and the appropriate fee have been filed in the pending prior application (or are being filed in the prior application concurrently herewith) to extend the period for response until _____.

13. An Information Disclosure Statement (IDS) is attached, along with the following indicated attachments thereto:

a. Form PTO/SB/08A (one sheet) and Form PTO/SB/08B (one sheet)

b. Copies of references cited

14. Certified copy of priority document(s)

15. Nonpublication Request Under 37 C.F.R. § 1.213(a)

16. Request for Early Publication Under 37 C.F.R. § 1.219

17. Return Receipt Postcard

18. Other: _____

19. An Assignment of the invention to Interair Wireless, Inc.
having an address of 485 Cayuga Road, Buffalo, New York 14225

a. is attached.

b. was recorded on August 19, 1998 at Reel 9397, Frame 0853.

c. Applicant requests that the above assignee information be published with the application.

20. The power of attorney in the prior application is to:

David R. Syrowik
Name of Attorney of Record

27,956
Reg. No.

The power appears in the original papers in the prior application.

The power does not appear in the original papers, but was filed on _____.

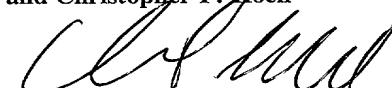
A new power has been executed and is attached.

21. Correspondence Address: Please address all future communications to:

David R. Syrowik,
Brooks & Kushman P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1351
Telephone: 248-358-4400; Fax: 248-358-3351

Respectfully submitted,

David C. Chauncey, James R. Doane,
and Christopher P. Hoen



Name: David R. Syrowik
Registration No.: 27,956

Attorney or agent of record
 Filed under Rule 34(a)

Date July 31, 2001